

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

At Tokyo, Japan

Case No. 1

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| THE UNITED STATES OF AMERICA, et al | ) | ORDER             |
|                                     | ) | WITH REFERENCE TO |
| - vs -                              | ) | OKAWA, SHUMEI     |
|                                     | ) |                   |
| ARAKI, Sadao, et al                 | ) |                   |

This matter coming on to be heard on this 10th day of April 1947, before The Tribunal, upon the application of the Prosecution, for an order directing that the accused OKAWA, Shumei be further examined as to his mental and physical condition by competent examiners, and that reports be made setting forth the results thereof (which application is Paper No. 604), and upon the previous order of The Tribunal (which is Paper No. 618) granting the prior said application and directing that the said accused OKAWA, Shumei be further examined by two competent medical psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, and that ~~immediately~~ after the examination each of said psychiatrists file a separate report with the President of The Tribunal, and The Tribunal having received and examined the reports of two psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, which examinations were made in compliance with the former order of this Tribunal (Paper No. 618), which reports advise that

examinations have been made of the physical and mental condition of said OKAWA, Shumei as ordered, and report the nature and extent of the examinations conducted by said examiners and their respective findings and conclusions based upon said examination, and The Tribunal having considered the reports of said medical experts dated the 23rd day of February 1947 and the 13th day of March 1947, and being fully advised in the premises, and The Tribunal not being satisfied that the said accused OKAWA, Shumei has yet recovered the intellectual capacity and judgment to make him capable of standing trial and of conducting his defense, and the said accused not having pleaded to the charges and having been unable during the proceedings to instruct his counsel effectively, doth

ORDER: That against the said OKAWA, Shumei, no further proceedings be taken at this trial on the Indictment herein, and that he be kept in custody subject to such order as may be issued by the Supreme Commander for the Allied Powers, and that the present order shall not preclude or prevent the trial of the said accused at a later date before a competent tribunal on the charges contained in the said Indictment or on any other charges.

Dated at Tokyo, Japan, this 28th day of April 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT.



Sitting:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Mei  
Lord Patrick  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
Major General Myron C. Cramer  
The Honorable Mr. Justice Northcroft  
Major General of Justice I. M. Zaryanov  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla